

SETTLEMENT AND AGRICULTURE

Goals

Land Sales. The goal of this plan is to provide a pool of land available for private ownership over the long term. Although most of the state lands with suitability for settlement are likely to be selected by the Kenai Peninsula Borough, some lands with settlement suitability will remain in state ownership since the pool of land with settlement suitability is likely greater than the borough's entitlement. Also, some School Trust lands that are suitable for settlement are not conveyable to the borough. It is not the intent of the plan to preclude conveyances of settlement lands to the borough in order for DNR to maintain a large pool of land for future land sales.

Although this plan and subsequent land sale decisions can identify and offer lands that have characteristics which make them suitable for year-round residences, seasonal cabins, or self-sufficient remote residences, once the land is sold the owner will decide how to use the land. For example, DNR cannot guarantee that land sold to satisfy the demand for seasonal cabins will not be used for permanent residences or for commercial purposes if regulations for the programs under which the land was sold do not preclude such uses. There are, however, some exceptions such as covenants restricting uses to agricultural uses, easements, and building setback requirements. Examples include lands conveyed to municipalities that may be "subject to" habitat or recreation corridors along waterbodies or the Seward Highway Scenic Byway.

Compact Settlement Areas. In general, the plan attempts to concentrate lands for settlement in areas with existing settlements or in areas that are most suitable for settlement: lower elevations, areas with well-drained soils, and areas with existing infrastructure. The intent of this policy is to avoid suburban sprawl. Avoiding suburban sprawl reduces the cost of public services and facilities for schools, roads, utilities, fire protection and emergency medical service. This policy results in continuous blocks of open space remaining in state ownership. Open space provides for uses such as recreation, habitat, hunting, forest management, public access, and watershed protection. There are a few exceptions where the plan designates lands in remote areas for settlement. These are areas where the state has sold lands in the past where there are still no roads including two areas northwest of the Fox River Flats, Bear Cove on Kachemak Bay and two on the west side of Cook Inlet.

Agriculture. Provide for the opportunity for Alaskans to pursue an agrarian lifestyle through sale of larger lots and through agricultural leases. This need will also be met through grazing authorizations (see the *Grazing* section in this chapter).

Management Guidelines

A. Parcels of State Land not Identified in this Plan. Through this planning process, every attempt was made to identify, designate and provide management intent for every parcel of state-owned and -selected land. Nonetheless, some lands may have been inadvertently overlooked by this plan. Existing parcels of state land sometimes are not recognized in the plan because of the lag time between state acquisition and notation to state status plats or because of errors and omissions in the state records.

In other cases, lands will come into state ownership after plan adoption. In cases where lands were in a state-selected status while the plan was prepared, the plan provides management intent and designations. However, state lands that are acquired in the future through land exchanges, purchase, foreclosure, escheat, and other means are not addressed in the plan.

Management, classification, and land use authorizations and conveyances on lands that have not been designated by this plan can be implemented without an amendment to the plan if actions are consistent with the following guidelines. However, a “Special Exception” or “Minor Change” may be needed. See the *Types of Plan Changes* section in Chapter 4.

1. *Parcels contiguous within existing units.*

Contiguous lands. Parcels the plan does not address that are contiguous with existing units will be classified and managed consistent with the contiguous unit.

Lots in existing subdivisions. Unsold lots identified for disposal in existing subdivisions and lots that return to state ownership will be made available for lease, sale, or conveyance. Tracts identified for community purposes in existing subdivisions will not be sold but may be conveyed to municipalities or homeowners associations if they are not needed for state purposes.

2. *Parcels that are isolated from other units.*

Parcels in or near existing communities. If a parcel is in or near an existing community or past land sale or offering, the parcel may be offered for settlement unless it is an appropriate location for a school, materials site, road, park or other public facility. The parcel may also be conveyed to a municipality even if it is suitable for these facilities as long as the proposed facilities are for municipal rather than state purposes.

Parcels distant from other state land. Parcels, such as mining claims acquired by foreclosure in the middle of federal Conservation System Units, should be considered for sale or exchange to the adjacent landowner.

Newly acquired lands. Lands that are acquired pro-actively through exchange, purchase or other methods (such as EVOS parcels or to access sport fishing) will be managed and classified consistent with the purposes for which they were acquired without an amendment to this plan.

B. Coordination with Local Governments. Where DNR and a municipality both have land, state land offering programs should be coordinated with similar programs of local government to best achieve community objectives. To this end, DNR should consider developing a joint disposal plan for state and municipal lands with any municipality that is interested. This plan could consider the municipality’s fiscal planning for road extension priorities and its plans for levels of services in different areas. If a municipality has a comprehensive land use plan or zoning, these plans will provide direction for settlement areas. The disposal plan should demonstrate what community objectives would be met and how the requested capital improvement funds would support municipality-wide priorities for roads and service extensions to benefit current and future residents.

C. Commercial Use of Sold Lots. Lands where fee simple interest is sold or other disposal of state interest under exchange or conveyance programs occur may be used for commercial or non-commercial purposes, unless otherwise specifically stated in sale documents.

D. Subdivisions. Open space, parks, trails, or recreation areas may be identified on plats of a residential subdivision and will be based on the amount of land to be dedicated on the proposed population density of the subdivision. Land dedicated for this use must be reasonably adaptable to active park and recreation uses and must be in a location convenient to the subdivision's residents. Factors used in evaluating the adequacy of the proposed open space, park, trail, or recreation area include size, shape, topography, geology, tree cover, access, and location.

E. Kenai River Watershed. For Settlement guidelines in the Kenai River watershed, see Chapter 3, Region 4, *Guidelines for Units Located within the Kenai River Drainage*.

F. Remote Cabin Site Sales. As set out in DNR's existing land disposal regulations, this new sale program will be offered only on lands designated Settlement.

G. Erosion and Flood Control. State agencies responsible for the leasing or disposal of lands or properties shall, to the extent the action is economically feasible, evaluate flood and erosion hazards in connection with lands or properties proposed for disposal and, in order to minimize future state expenditures for protection and disaster relief. These agencies shall also consider including within all new subdivision and other developments greater than 50 lots or 5 acres, whichever is the lesser, base (100) year flood elevation data, or information on flood risks.

Resource Allocation Summary

Over the years the state has sold thousands of acres on the Kenai Peninsula. In addition, many parcels were conveyed to municipalities, particularly the Kenai Peninsula Borough. Of those lands conveyed to the borough, many have subdivided and are now private.

This plan has identified a number of areas for settlement. To provide DNR with the flexibility to sell or convey land for a variety of purposes, only a few units have been designated Agriculture and, if conveyed, will be subject to agricultural covenants under state law (AS 38.05.321).

The plan designates or co-designates 103 units (approximately 23,000 acres) acres Settlement and one unit (160 acres) Agriculture. These lands include:

1. Lands within existing state subdivisions and past state sale areas where unsold lots remain or where lots are likely to return into state ownership (such as Mariners Walk, Beaver Creek, Caribou Lake, Fox Creek, and Wadell Lake sale areas);
2. areas identified by communities where community growth is needed;
3. isolated tracts of state land that are accessible and have sites suitable for development that do not have other high public values;
4. lands that are suitable for agricultural cultivation or development;
5. lands with leases or preference right applications where conveyance is desirable;
6. lands that return to state ownership because of escheat or other reasons; and
7. state-owned and -selected lands along the Seward Highway with clusters of former USFS cabin permits.

Although all these lands can be made available for disposal to the public by the state, a significant portion of them will likely be selected by the Kenai Peninsula Borough.

One unit is designated Agriculture. This unit will be managed by the DNR Division of Agriculture and can be sold or leased for agricultural purposes. This unit is already being used for agricultural purposes under DNR authorization. Although there are more lands with agricultural potential than are designated by this plan, most of the lands with this potential were designated Settlement in order to provide DNR with the flexibility to convey lands for a variety of purposes (including agriculture).

Because the planning area is so accessible, this plan does not identify areas open to remote cabins under AS 38.05.600.